



## POWER OF ATTORNEY FROM ASSIGNEE

Aether Systems, Inc., a corporation of Delaware, having a principal place of business at 11460 Cronridge Drive, Owings Mills, Maryland 21117, is assignee of the entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100), by reason of an Assignment to the Assignee executed on \_\_\_\_\_ of an invention known as System, Method, and Apparatus for Automatically and Dynamically Updating Options, Features, and/or Services Available to a Client Device (Attorney Docket No. 1753.0050000), which is disclosed and claimed in a patent application of the same title by the inventor Anthony C. Fasenda (said application filed on March 10, 2000 at the U.S. Patent and Trademark Office, having Application Number 09/523,168).

The Assignee hereby appoints the following U.S. attorneys to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith: Robert Greene Sterne, Esq., Reg. No. 28,912; Edward J. Kessler, Esq., Reg. No. 25,688; Jorge A. Goldstein, Esq., Reg. No. 29,021; Samuel L. Fox, Esq., Reg. No. 30,353; David K.S. Cornwell, Esq., Reg. No. 31,944; Robert W. Esmond, Esq., Reg. No. 32,893; Tracy-Gene G. Durkin, Esq., Reg. No. 32,831; Michele A. Cimbala, Esq., Reg. No. 33,851; Michael B. Ray, Esq., Reg. No. 33,997; Robert E. Sokohl, Esq., Reg. No. 36,013; Eric K. Steffe, Esq., Reg. No. 36,688; Michael Q. Lee, Esq., Reg. No. 35,239; Steven R. Ludwig, Esq., Reg. No. 36,203; Raz E. Fleshner, Esq., Reg. No. 34,331; John M. Covert, Esq., Reg. No. 38,759; and Linda E. Alcorn, Esq., Reg. No. 39,588. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

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FOR: Aether Systems, Inc.

SIGNATURE: Anthony C Fasenda

BY: Anthony C. Fasenda

TITLE: Vice President, Enterprise Development

DATE: 7/15/00



#3

**Statement Claiming Small Entity Status  
(37 C.F.R. §§ 1.9(d) and 1.27(c)) -- Small Business Concern**

Applicant, Patentee or Identifier: Anthony C. Fascenda

Appl. or Patent No.: 09/523,168

Attorney Docket No. 1753.0050000

Filed or Issued: March 10, 2000

Title: System, Method, and Apparatus for Automatically and Dynamically Updating Options, Features, and/or Services Available to a Client Device

I hereby state that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Aether Systems, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 11460 Cronridge Drive  
Owings Mills, Maryland 21117

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.  
 the application identified above.  
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate statements indicating their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization having any rights in the invention (other than the small business concern named above) is listed below:

no such person, concern, or organization exists.  
 each person, concern, or organization is listed below.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

INDIVIDUAL

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

Separate statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

NAME OF PERSON SIGNING Anthony C. Fascenda

TITLE OF PERSON IF OTHER THAN OWNER Vice President, Enterprise Development

ADDRESS OF PERSON SIGNING Aether Systems, Inc., 7700 Wisconsin Avenue, Suite 420, Bethesda, Maryland 20814

SIGNATURE Anthony C. Fascenda DATE 7/15/00